IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 21258 of 2007(E)

PETITIONER:

A.MUHAMMED, PROPRIETOR,
M/S.CROWN PLASTICS, PARMBIL PEEDIKA P.O.,
MALAPPURAM.

BY ADV. SRI.A.KRISHNAN

RESPONDENTS:

KERALA FINANCIAL CORPORATION,
MALAPPURAM BRANCH, REPRESENTED BY ITS
BRANCH MANAGER, MALIYAKKAL BUILDING,
MANJERI ROAD, UP HILL, MALAPPURAM.

BY ADV. SRI.T.V.GEORGE, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.21258 of 2007

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Dated this the 10th day of July, 2007

J U D G M E N T

The petitioner is a defaulter in repayment of loan amounts due to the Kerala Financial Corporation. Coercive proceedings have been initiated by the Corporation for recovery of the amounts. The petitioner seeks time to pay the amounts.

2. The learned standing counsel appearing for the Corporation stoutly opposes the prayer. According to him, more than Rs.28 lakhs are due from the petitioner. The petitioner may be directed to pay at least 50 per cent of the amount immediately, is the submission of the learned Standing Counsel.

3. After hearing both sides, I feel that in view of the personal difficulties narrated by the petitioner, the petitioner can be given some indulgence in the matter of repayment. Accordingly, this writ petition is disposed of with the following directions:

The petitioner shall pay the amounts in instalments of Rs.5 lakhs each every month till the entire amounts are paid off. The first instalment shall be paid on 1.8.2007. Every subsequent instalment shall be paid on the first working day of every succeeding month. If the petitioner promptly pays the instalments in time, further coercive proceedings pursuant to the impugned notice shall be kept in abeyance. However, if the petitioner commits default in payment of the instalment of any one month, it would be open to the respondents to continue the proceedings now initiated without having to issue any fresh notice or proceedings in that regard. The petitioner may apply to the Corporation for appropriate reduction in penal interest or other concession which the Corporation is empowered to give, in which case, the Corporation shall consider the same and pass appropriate orders in accordance with law.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

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P.A. to Judge.